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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/611,342	07/06/2000	Saburou Ikeda	NE-1018-US/KM	6453
21254	7590	11/15/2005	EXAMINER	
MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC			PHAN, TRI H	
8321 OLD COURTHOUSE ROAD			ART UNIT	PAPER NUMBER
SUITE 200				
VIENNA, VA 22182-3817			2661	

DATE MAILED: 11/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/611,342	IKEDA, SABUROU	
	<b>Examiner</b>	<b>Art Unit</b>	
	Tri H. Phan	2661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

- 1) Responsive to communication(s) filed on 21 July 2005.
- 2a) This action is **FINAL**.                                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

- 4) Claim(s) 1,3-6,9-15,17,19 and 21-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,12,15,17,19,21 and 24 is/are rejected.
- 7) Claim(s) 3-6,9-11,13,14,22, and 23 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date: _____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date: _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

## **DETAILED ACTION**

### ***Response to Amendment/Arguments***

1. This Office Action is in response to the Response/Amendment filed on July 21<sup>st</sup>, 2005. Claims 2, 7-8, 16, 18, and 20 are now canceled. Claims 1, 3-6, 9-15, 17, 19, 21 and 24-28 are now pending in the application.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 15, 17, 19, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Shimojo et al.** (U.S.5,787,072; hereinafter refer as ‘**Shimojo**’) in view of **Chrin et al.** (U.S.6,600,741; hereinafter refer as ‘**Chrin**’).

Regarding claims 1, 15, 17, 19, and 21, Shimojo discloses “a communication system comprising: a public network switching system having a first plurality of line ports...a second plurality of line ports, a first plurality of trunk ports...and a second plurality of trunk ports (figure 13, where all line ports are coming into switch 92, all trunk ports are exiting switch 92, and the user terminals are connected to the input lines as is suggested by the “data cell” entering switch

92); a switching unit having a first plurality of diverging ports connected to said second plurality of trunk ports, a second plurality of diverging ports...and a plurality of converging ports connected to said second plurality of line ports (figure 13, elements 96 show a switching unit having a plurality of diverging ports (inputs) connecting the trunk lines (outputs) of switch 92); and a control unit responsive to a request signal...for establishing in said switching unit a plurality of connections between one of said first plurality of diverging ports and a plurality of said converging ports specified by said request signal and at least one second connection between one of said second plurality of diverging ports and said at least one of said number of said converging ports (figure 13, elements 94 and 132 provide control information to the switching unit as can be read in col. 11, lines 40-43), said public network switching system establishing a connection between a user terminal and said one of said first plurality of diverging ports and a plurality of connections between said second plurality of line ports and said first plurality of trunk ports corresponding to said plurality of connections established in said switching unit (figure 13 where the data cell entering switch 92 at the first line port follows the darkened line path through the switching unit 96 back through switch 92 and on to be transmitted)."

However, Shimojo lacks what Chrin discloses, "...ADSL modems..." as the user terminals (figure 17, where element 1710 has ADSL lines interfacing with it, as such there must be ADSL modems) and "... Internet lines (figure 17, where element 1720 has Internet Protocol lines interfacing with it, thus the switch ports of element 1700 are connected to Internet lines).. ."

It would have been obvious to one with ordinary skill in the art at the time of invention to include the ADSL modems and Internet lines for the purpose of expanding a user's service to not

only include phone service but also Internet access. The motivation being to allow the user to have different services (voice, video, Internet, etc.) consolidated to be transportable using one technology (Chrin, figure 17, where element 1710 shows that the line card has phone interfacing lines and ADSL lines for data).

4. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Shimojo et al.** and **Chrin et al.** as applied to claim 1 above, and further in view of **Foladare et al.** (U.S.6,049,602 ; hereinafter refer as '**Foladare**').

Regarding claim 12, Shimojo lacks what Foladare discloses, "a phone number memory for storing a plurality of phone numbers (col. 5, lines 11-14 where there are a plurality of phone numbers implied); and a processor for determining whether a phone number contained in a request signal coincides with one of said phone numbers stored in said phone number memory and establishing said at least one connection in a switching unit if the phone number coincides with one of the stored phone numbers (col. 6, lines 15-30 and 37-40)." It would have been obvious to one pf ordinary skill in the art at the time of invention to include a telephone number database and processor for determining whether a phone number exists in the database for the purpose of verifying that a legitimate user is trying to access the system. The motivation for verifying the user is to prevent fraud and hacking (Foladare, col. 10, lines 3-4).

5. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Shimojo et al.** in view of **Foladare et al.**

Regarding claim 24, Shimojo discloses, "a control unit for a public network switching system, the switching system having a first plurality of line ports to which a plurality of user terminals are connected, a second plurality of line ports, a first plurality of trunk ports to which a plurality of Internet lines are connected, and a second plurality of trunk ports (figure 13, where all line ports are coming into switch 92, all trunk ports are exiting switch 92, and the user terminals are connected to the input lines as is suggested by the "data cell" entering switch 92) and having a switching unit having a plurality of diverging ports adapted for connection to said second plurality of trunk ports and a plurality of converging ports adapted for connection to said second plurality of line ports (figure 13, elements 96 show a switching unit having a plurality of diverging ports (inputs) connecting the trunk lines (outputs) of switch 92), the control unit comprising: wherein the public network switching system establishes a connection between said one diverging port and said one user terminal and at least one connection between said second plurality of line ports and said first plurality of trunk ports corresponding in number to said at least one connection established in said switching unit (figure 13 where the data cell entering switch 92 at the first line port follows the darkened line path through the switching unit 96 back through switch 92 and on to be transmitted)."

However, Shimojo lacks what Foladare discloses, "a phone number memory for storing a plurality of phone numbers (col. .5, lines 11-14 where there are a plurality of phone numbers implied); and a processor for determining whether a phone number contained in a request signal coincides with one of said phone numbers stored in said phone number memory and establishing a plurality of connections between at least one diverging port and a plurality of converging ports

in a switching unit if the phone number coincides with one of the stored phone numbers (col. 6, lines 15-30 and 37-40)."

It would have been obvious to one of ordinary skill in the art at the time of invention to include a telephone number database and processor for determining whether a phone number exists in the database for the purpose of verifying that a legitimate user is trying to access the system. The motivation for verifying the user is to prevent fraud and hacking (Foladare, col. 10, lines 3-4).

***Response to Amendment/Arguments***

6. Applicant's arguments filed on July 21<sup>st</sup>, 2005 have been noticed and fully considered but they are not persuasive. Examiner believes the Office action sent on 5/17/2005 has clearly pointed out the limitations in corresponding to the applied art. Due to the applicant's argument failed to place the application in a favorable condition for allowance and the applied art still read on the invention; therefore, the rejection is still maintained.

***Allowable Subject Matter***

7. Claims 3-6, 9-11, 13, 14, 22, and 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

8. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri H. Phan, whose telephone number is (571) 272-3074. The examiner can normally be reached on M-F (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau T. Nguyen can be reached on (571) 272-3126.

**Any response to this action should be mailed to:**

**Commissioner of Patents and Trademarks**  
Washington, D.C. 20231

**or faxed to:**

**(571) 273-8300**

Hand-delivered responses should be brought to Randolph Building, 401 Dulany Street, Alexandria, VA 22314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office, whose telephone number is (571) 272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**BRIAN NGUYEN**  
PRIMARY EXAMINER

Tri H. Phan  
November 14, 2005